

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RUTH SMITH, Individually and as Widow for the)	
Use and Benefit of Herself and the Next Kin of)	
Richard Smith, Deceased,)	
)	
Plaintiff,)	Civil No. 3:05-0444
)	Judge Aleta A. Trauger
v.)	(Dist. Of MA No.
)	1:05-cv-11515PBS)
PFIZER, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF ANY LOSS OF
CONSORTIUM DAMAGES SUFFERED BY DECEDENT'S CHILDREN**

Pursuant to the Federal Rules of Evidence, Defendants Pfizer Inc and Warner-Lambert Company LLC (collectively, "Defendants" or "Pfizer") respectfully move this Court for an order excluding any evidence, references, testimony or argument that Plaintiff's Decedent's adult children have suffered any compensable harms as a result of their father's death. Such evidence and argument would be improper and highly prejudicial to Defendants, because under Tennessee's wrongful death statutes, Mrs. Smith is entitled to recover only those damages, including consortium damages, she suffered as a result of her husband's death.

The grounds for this motion are set forth in more detail in the accompanying memorandum of law. Also submitted in support of this motion is a Declaration of Mark S. Cheffo.

WHEREFORE, Defendants respectfully request that the Court exclude at trial all of the evidence described above.

Dated: April 16, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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